IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 23483 of 2004

Between:

Indarapu Lakshman Rao, S/o. Babu, aged 42 years,
R/o. Q.No. NC 14, Near CER Club, Mandamarri (Post & Mandal),
Adilabad District.

..... PETITIONER

AND

1 The Government of A.P., rep. by Additional Secretary,

Tribal Welfare Department,
Secretariat, Hyderabad.
2 The District Collector, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ, order or direction declaring the orders of the 1st respondent in Memo No. 10281/CV2/2004-1, Social Welfare (CV2) Department dt. 28/10/2004 in so far as rejecting the stay petition in respect of the orders of the 2nd respondent herein in Proceedings No. RC No. D3/2773/01 dt. 25.10.2004 as illegal and contrary to law, with further orders suspending the operation of the aforesaid orders of the 2nd respondent herein pending disposal of the appeal before the 1st respondent herein and grant such other relief or reliefs deemed fit and just.

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

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ORDER:

Declaring the orders passed by the 1st respondent in Memo No.10281/CV2/2004-1, Social Welfare (CV2) Department, dated 28.10.2004 in so far as rejecting the stay petition in respect of the orders passed by the 2nd respondent vide proceedings No.Rc.No.D3/2773/01, dated 25.10.2004, as illegal and contrary to law, the present writ petition is filed.

The learned counsel appearing for the petitioner contended that without giving any opportunity to the petitioner and without recording any reasons, the impugned order dated 22.11.2004 has been passed by the 1st respondent. Therefore, the impugned order suffers from serious legal infirmities, and he prays to quash the same.

On the other hand, the learned Government Pleader appearing for the respondents contended that it is only an interim order and it need not contain any reason, and there are no grounds to interfere with the impugned proceedings. He prays to dismiss the writ petition.

Admittedly, the social status certificate of the petitioner was cancelled by the 2nd respondent vide proceedings No.Rc.No.D3/2773/01, dated 25.10.2004. Against those proceedings, the petitioner filed an appeal before the 1st respondent. Along with appeal, he filed an interlocutory application for grant of stay of the proceedings passed by the 2nd respondent and on that petition, the 1st respondent passed the impugned order. The impugned order reads as follows:

> "The appellant is informed that the request for stay on the operation of the proceedings of the Collector, Khammam District, dated 25.10.2004 is examined and rejected.
>
> However the appeal petition is taken on the file for disposal as per law."

As seen from the impugned order, it does not contain any reason at

all. So also, no opportunity is given to the petitioner to put forth his contentions. Therefore, the impugned order suffers from serious legal infirmities. Hence the impugned Memo No.10281/CV.2/2004-1, dated 22.11.2004 is set aside. Since the appeal is pending, it is desirable to direct the

1st respondent to dispose of the appeal of the petitioner within a period of two months from the date of receipt of a copy of this Order. Till then, status quo as on today, shall be maintained.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Additional Secretary,

Tribal Welfare Department,

The Government of Andhra Pradesh,

Secretariat, Hyderabad

2. The District Collector, Khammam

3. Two CCs to the Government Pleader

for Social Welfare, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies.